

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

WALTINA HALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: <b>2:07-CV-611-WKW</b>
	)	
GORDON H. MANSFIELD, in his	)	
official capacity as Acting Secretary of	)	
Veterans Affairs, <sup>1</sup>	)	
	)	
Defendant.	)	
<b>&amp;</b>		
CORA UPSHAW,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: <b>2:07-CV-612-WHA</b>
	)	
GORDON H. MANSFIELD, in his	)	
official capacity as Acting Secretary of	)	
Veterans Affairs,	)	
	)	
Defendant.	)	

**MOTION TO CONSOLIDATE**

Now comes Defendant, Gordon H. Mansfield, Acting Secretary of Veterans Affairs, by and through Leura G. Canary, United States Attorney for the Middle District

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<sup>1</sup> R. James Nicholson has resigned as Secretary of the Department of Veterans' Affairs since the filing of these suits. On October 1, 2007, Gordon H. Mansfield assumed the position of Acting Secretary. Pursuant to Rule 25(d), Federal Rules of Civil Procedure, Acting Secretary Mansfield is due to be substituted for Mr. Nicholson.

of Alabama, and pursuant to Rule 42, Federal Rules of Civil Procedure, respectfully requests that these actions be consolidated and as grounds states as follows:

1. The plaintiffs in each of the above-styled complaints were unsuccessful applicants for several positions of the same type offered by the defendant on the same vacancy announcement. Each plaintiff was non-referred for consideration to the selecting official by the same review panel utilizing the same criteria. Ultimately, each of the plaintiffs were not selected for any of the vacancies by the same selecting official.

2. Each plaintiff claims their non-referral-selection was motivated, at least in part, on the basis of their race and / or gender and Ms. Upshaw additionally claims she was not referred-selected, at least in part, in retaliation for her earlier claims of discrimination, all in violation of 42 U.S.C. 2000e-16, et seq.

3. As these actions involve common questions of fact and / or law, the defendant requests that they be consolidated under the first filed number. The defendant asserts that the consolidation of these matters will serve the equally important goals of conservation of scarce judicial resources and the elimination of unnecessary costs to the parties.

4. Counsel for both plaintiffs, Michael Guy Holton, Esq., has been contacted and he has no objections to this request.

Respectfully submitted this 4<sup>th</sup> day of October, 2007.

LEURA G. CANARY  
United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 4, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to plaintiff's attorney, Michael Guy Holton, Esquire.

s/R. Randolph Neeley  
Assistant United States Attorney